



City of Albuquerque

Legislative File Number O-05-144 (version 1)

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

Requiring The Underground Installation Of All Electrical, Communication, And Cable Television Delivery Or Distribution Lines Within The Albuquerque City Limits.

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The Council finds:

- (A) Underground lines reduce the safety risks of the traveling public within the City by reducing the number of poles within the right of way and thereby reducing the number of accidents; and
- (B) Underground lines reduce the safety risks caused by hot air balloons colliding with overhead electric lines; and
- (C) Underground lines reduce the safety risks of all emergency personnel who respond to motor vehicle and hot air balloon accidents by reducing their exposure to electric shock in rescuer efforts; and
- (D) Underground lines have the potential to provide more continuous, safe and reliable service to both citizens and businesses because underground installations are not subject to knockdowns and weather related wire breakage resulting in outages and injuries due to failed transportation and health related electronic systems; and
- (E) Increased reliability of electrical, communication and cable television service enhances the safety, health and quality of life for City residents, especially the young and the elderly; and
- (F) Underground lines provide the citizens of Albuquerque with the opportunity to

plan a community enhanced by the elimination of poles and equipment located in the public right of way that otherwise increase safety risks and increases the maintenance, operation and construction costs of city streets; and

(G) Underground lines provide the citizens of Albuquerque with an opportunity to plan development without the disruption of vistas and open space by unnecessary overhead electrical wires enhancing the citizens use and enjoyment of the natural environment.

SECTION 2. UNDERGROUNDING. Pursuant to the City's planning authority under Section 3-17-1 et seq. NMSA 1978, the installation of all new electrical distribution lines less than 40 KV, communication lines and cable television lines and the relocation, repair, replacement or refurbishing of all existing lines shall be placed underground within the Albuquerque city limits and the extraterritorial jurisdiction of the City as may be provided by law.

SECTION 3. INTERPRETATION. This ordinance shall be interpreted and construed consistent with Section 14-14-4-8 ROA 1994 of the City's Subdivision Regulations. This ordinance is not intended to repeal or affect in any way the enforcement or application of that section.

SECTION 4. VARIANCES. Variances to the undergrounding requirement of this ordinance may be granted by the Albuquerque City Council based on the finding that installation of an underground facility cannot be accomplished in a manner that is functionally and reliably equivalent to the proposed overhead installation. The increased cost of underground installation is not an exceptional circumstance that justifies overhead installation because it fails to take into consideration increased costs to customers from inferior reliability.

SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or

otherwise invalid.

SECTION 6. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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